

# Children's Cabinet

April 27, 2021

# Agenda – 4-5pm

- Welcome, Introductions, and adoption of minutes (3 min)
- Be an Anchor Campaign (12 min)
- Uniform Parentage Act(30 min)
- WIC-SNAP Project (5 min)
- Public Comment (10 min)
- Adjournment



---

# Children's Cabinet Meeting

4/27/2021

# What is “Be An Anchor”?

---



*Be An Anchor* is Rhode Island's community engagement strategy to support foster care recruitment and retention. Our Resource Families are “anchors” for children in DCYF care.

*WE* are “anchors” for families and children.



## Foster Families: *“What does it mean to “Be An Anchor”?”*

---



...a way of showing stability, strength, endurance and love.  
Always ready to embrace whatever may come your way.  
*We're still going to be here come rain or come shine.*

...providing consistent, steadfast care and love to a child  
weathering the hardship of being removed from their home.

*Be An Anchor means to  
provide stability for  
children before they can  
safely get back to shore.*

An anchor holds a ship steady. Here it means to tether to a  
child who needs stability and support.

**To be a safe space for a child in a storm.**

An anchor is: a symbol of strength, firmness,  
hope and tranquility also represents the  
strongest and most stable part of our being.

To be the light to these children's  
dark days. *To be their calm sea*  
while they regain their footing and  
experience a smooth sailing.

# Fundamentals



Right Sizing Foster Care



Kinship first



Rate & service equity



Diversity, equity, inclusion



Family & youth voice & choice



Public-Private partnership



Data driven



Innovative

## Data Highlights

- **~83% of children in out of home are in a family setting**
- **~70% of children in family settings are with kinship providers**
- **# of children in DCYF care has reduced by over 200 in the last year**
- **Over 150 new licensed foster families in SFY21**  
*(goal by SFY22 was 200)*

# How can YOU *Be An Anchor*?

---

- “Like” *Be An Anchor* on Facebook  
(<https://www.facebook.com/BeAnAnchorRI/>)
- Connect with our team for partnership opportunities (contacts below)
- Share informational resources with us that may benefit foster families
- Apply to be a foster parent
- Be a mentor for youth in foster care

Veronica Davis  
Senior Manager, Division of Resource Families  
[veronica.davis@dcyf.ri.gov](mailto:veronica.davis@dcyf.ri.gov)

Melissa Aguiar-Rivard  
Chief of Practice Standards – Recruitment, Development, Support  
[melissa.aguiarrivard@dcyf.ri.gov](mailto:melissa.aguiarrivard@dcyf.ri.gov)



# Common Terms

---

*Be An Anchor* is Rhode Island's community engagement strategy to support foster care recruitment and retention. Our Resource Families are "anchors" for children in DCYF care. It is critical that our "anchors" can care for children/youth in a safe and reliable family setting that is well supported and able to care for the child's individual needs.

*Rhode to 100* is DCYF's current foster care recruitment campaign. DCYF must have the right plan in place to recruit a diverse pool of individuals who can *Be An Anchor* for all children and youth in DCYF care.

*Resource Family* is an inclusive term used when referring to *all* types of foster families. Traditional foster families, Private Foster Care Agency foster families, kinship caregivers, pre-adoptive providers, and respite caregivers.

*Level of Need* is a standardized assessment used for children/youth in DCYF care to clearly identify what each child's needs are, what type of homes would be a best fit for their needs, and what services might be needed for that child. The LON assessment tool is the cornerstone of the foster care system. A LON results in a tier score of 1-5, with "5" being a child with the highest Level of Need.



# The Rhode Island Parentage Act

Children's Cabinet April 27<sup>th</sup>

**SHARON A. SANTILLI ESQ**

Associate Director-DHS Office of Child Support Services



# RHODE ISLAND UPA 1973 & PARENTAGE

# RHODE ISLAND UNIFORM PARENTAGE ACT

- Outdated statutes
- No statutory protections for children born through assisted reproduction
- No statutory protections for children born through surrogacy
- No administrative route to parentage for LGBTQ parents
- Unequal treatment for children born to LGBTQ families and through assisted reproduction



# RIUPA – H.7541/S. 2136

## **RHODE ISLAND** UNIFORM PARENTAGE ACT

- Based on the UPA 2017 and VT Parentage Act
- Ensures all children have access to the security of legal parentage, that parentage laws are constitutional, promotes clarity in the courts and access to justice
- Broad coalition in support – Rhode Islanders for Parentage Equality
- Signed into law on July 21, 2020
- Effective January 1, 2021
- Commonly referred to as the “Family Equality Act”





# **RHODE ISLAND**

## **UNIFORM PARENTAGE ACT**

### Parentage in New England

- **Maine Parentage Act - 2015**
- **Vermont Parentage Act - 2018**
- **New Hampshire – 2018 and 2020**
- **Rhode Island – 2020**





# RI Uniform Parentage Act

# RHODE ISLAND UNIFORM PARENTAGE ACT

- Revises the Act to remove gender distinctions
- Ensures expanded access to the Voluntary Acknowledgment of Parentage Process-the VAP
- Provides the court with a way to resolve competing parentage claims – § 206
- Codifies laws with respect to Gestational Carrier Agreements surrogacy provisions in Article 8



# ARTICLE 1

## RHODE ISLAND UNIFORM PARENTAGE ACT

Definitions, Scope and general provisions:

- **PARENTS** - redefines the definition of what most would refer to as the traditional biological parent. A parent defined under the Act may be an acknowledged parent including parents who are of the same gender; adjudicated parents including de facto parents; intended parents including one who gives consent to assisted reproduction; a presumed parent not only the spousal presumption but parents who held themselves out to be the parent.





# WHAT IS AN *INTENDED PARENT*?

## RHODE ISLAND UNIFORM PARENTAGE ACT



An **intended parent** means an individual whether married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived through assisted reproduction or a gestational carrier agreement. § 102 (15)



# WHAT IS AN *ALLEGED GENETIC PARENT?*

# RHODE ISLAND UNIFORM PARENTAGE ACT

- An individual who is alleged to be, or alleges that the individual is a genetic parent or possible genetic parent of a child. (mother and father) (per § 102(3))





# WHAT IS A PRESUMED PARENT?

## RHODE ISLAND UNIFORM PARENTAGE ACT

### PER ARTICLE 4:

- The individual who gave birth to the child.
- The individual who is married to the person who gave birth, and the child is born not later than 300 days after the marriage is terminated through death, annulment, declaration of invalidity, divorce or dissolution.
- The individual who gave birth and the other individual married after the birth of the child and agreed to be named and was added to the birth certificate
- The individual resided in the household with the child for two years and held themselves out as the parent and assumed personal, financial and custodial responsibility for the child.
- Presumption can be rebutted. A presumed parent can be legal parent by executing a VAP.

# WHAT IS AN *ADJUDICATED PARENT*?

## RHODE ISLAND UNIFORM PARENTAGE ACT

- An adjudicated parent is an individual who has been adjudicated by a court of competent jurisdiction to be the parent of the child. (§ 102(2))





# ARTICLE 2

## RHODE ISLAND UNIFORM PARENTAGE ACT

### ESTABLISHMENT OF PARENTAGE

#### Section 201 – 9 Paths To Establishing Parentage

- Giving birth
- Adoption
- VAP – Article 3
- Adjudication
- Presumption – Article 4
- De Facto parentage – Article 5
- Genetic parentage – Article 6
- Consent to assisted reproduction – Article 7
- Consent to surrogacy agreement – Article 8



**ESTABLISHING PARENTAGE  
PETITION FOR  
ADOPTION  
O R A  
VOLUNTARY  
ACKNOWLEDGMENT  
OF PARENTAGE**



## ESTABLISHING PARENTAGE

The Rhode Island Uniform Parentage Act became effective on January 1, 2021.

The passage of the Act has brought about many significant changes in the parentage process.

Most notably the expansion of those eligible to execute a Voluntary Acknowledgment of Parentage.

Consequently, the Act may also reduce the number of Adoption Petitions that were previously required to be filed.

This pamphlet is provided to explain when the VAP process may be more appropriate to establish parentage as opposed to the traditional adoption process.

The method you choose will depend upon the circumstances of your child's conception or birth and your relationship to the child.

## ESTABLISHING PARENTAGE – though Voluntary Acknowledgment

If you are unmarried parents - same gender or not - when your child is born, and you want both your names to be listed as the child's parents:

- Complete the Voluntary Acknowledgment of Parentage (VAP) form with hospital staff.
- Sign it in front of a witness who is at least 18 years old. Usually this will be completed in the presence of the hospital staff.
- Hospital Staff will file it with the Center for Vital Records.

If you are married parents - same gender or not and you want to ensure you have a document that is equivalent to a court decree of parentage, you can also sign a VAP.

### If you complete it at birth:

Hospital staff will add both names to your child's birth certificate and send your VAP to the Center for Vital Records.

### If you wish to complete it later:

You can make an appointment with the Center for Vital records to complete a VAP. In this case, CVR staff will witness the signatures. Both parents' names will be listed on the child's birth certificate. Please note: If the VAP is completed after the birth, you will not be able to change the child's name without a court order.

### What makes a VAP valid?

- It's signed and dated by both parents who are eligible to sign. AND
- It's signed/dated by a witness who is at least 18.
- It's filed with the Center for Vital Records, at:  
Rhode Island Department of Health  
Center for Vital Records  
3 Capitol Hill, Room 101  
Providence, Rhode Island, 02908  
Phone: 401-222-2813



## ESTABLISHING PARENTAGE – though Adoption

Prior to the enactment of the RI Uniform Parentage Act many LGBTQ parents - married and unmarried typically filed a Petition for Adoption in Rhode Island Family Court to secure a court order of parentage to secure their parentage in all jurisdictions.

Some LGBTQ parents might continue to seek an adoption to secure their child's parentage, but the RI Uniform Parentage Act provides additional routes to secure their parentage.

Now, LGBTQ parents who are married or unmarried parents may execute the VAP at the birthing hospital, or after the birth of the child at the Center for Vital Records. They simply need to make an appointment to do so. A VAP is the equivalent of a court decree of parentage. In RI, a VAP may be signed by people who are genetic parents, people who are presumed parents, and people who are intended parents through assisted reproduction.

The VAP once completed is equivalent to a court adjudication. No further or additional court order is required.

In some cases, a Petition for Adoption is the appropriate and required procedure for establishing parentage. Examples include: Foster Parents planning to adopt a foster child.

## DID YOU KNOW?

*The Rhode Island Uniform Parentage Act has provided additional routes for securing the parentage of a child.*

○ Pre UPA - LGBTQ parents used to confirm their parentage through adoption to obtain a court decree of parentage.

○ Post UPA - parents can still complete adoptions but also have other choices.

○ LGBTQ parents can sign a Voluntary Acknowledgment of Parentage which is equivalent to a court adjudication. Genetic, presumed or intended parents through AR can execute a VAP as well.

○ LGBTQ parents can also seek a Court order of parentage either before or after birth.

## GET HELP

To learn more on the Rhode Island Uniform Parentage Act or for assistance understanding how the new law may affect you or your situation, please contact any of the following state agencies:

### CONTACT:

**RI Department of Human Services**  
**OFFICE OF CHILD SUPPORT SERVICES**  
77 Dorrance Street  
Providence, RI 02903  
(401)-458-4400

**RI Department of Health**  
**CENTER FOR VITAL RECORDS**  
3 Capitol Hill  
Room 101  
Providence, RI 02908  
(401) 222-2813

**RI Department of Children, Youth & Families**  
101 Friendship Street  
Providence, RI 02903  
(401) 528-3500



# ARTICLE 2

## Establishment of Parentage

# RHODE ISLAND UNIFORM PARENTAGE ACT

Section 202 – Nondiscrimination Every child equal regardless of marital status or parents, gender of parents or circumstances of birth.

Section 206 – Adjudicating Competing Claims

- (1) the age of the child;
- (2) the length of time during which each individual assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each individual;
- (4) the harm to the child if the relationship between the child and each individual is not recognized;
- (5) the basis for each individual's claim to parentage of the child;
- (6) other considerations arising from the disruption of the relationship between the child and each individual or the likelihood of other harm to the child; and
- (7) Other equitable factors that the court deems relevant to the child's best interests.



# More than two Parents?

## RHODE ISLAND UNIFORM PARENTAGE ACT

- The UPA 2017 provided that states should choose an option but the RIUPA did not specifically state whether there can be more than 2 parents. However the door may still be open:
- 402 (b)(2) states if the person is adjudicated to be the genetic parent, the court may not disestablish a presumed parent.
- 501( c) states the adjudication of an individual as a defacto parent does not disestablish the parentage of any other parent.



# ARTICLE 3

## RHODE ISLAND UNIFORM PARENTAGE ACT

### Voluntary Acknowledgment of Parentage

#### Section 301: Who can sign a VAP?

- (1) A person who gave birth to a child;
- (2) An alleged genetic parent;
- (3) An intended parent of a child born through assisted reproduction, or
- (4) A presumed parent





# WHAT HAS CHANGED WITH THE VAP PROCESS?

## RHODE ISLAND UNIFORM PARENTAGE ACT

- Name – Voluntary Acknowledgment of Parentage.
- Notary Eliminated
- Can complete VAP- Married or unmarried, same gender/not.
- Rights and Responsibilities Statement
- Rescission Process
- New Denial form
- Equivalent to an adjudication
- Must affirmatively state there is no presumed, intended or adjudicated parent.



Rhode Island Department of Health  
Center for Vital Records  
3 Capitol Hill, Room 101  
Providence, Rhode Island, 02908  
Phone: 401-222-2813

### VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

PARENT 1	1. Parent's Current Legal Name (First, Middle, Last, Suffix)		
	2. Social Security Number	3. Date of Birth (mm/dd/yyyy)	4. Birthplace (State, Territory or Foreign Country)
	5. Residence Address (Street and Number, City/Town, State, Zip Code)		
	6. Parent's Current Legal Name (First, Middle, Last, Suffix)		
PARENT 2	7. Social Security Number	8. Date of Birth (mm/dd/yyyy)	9. Birthplace (State, Territory or Foreign Country)
	10. Residence Address (Street and Number, City/Town, State, Zip Code)		
	11. Hispanic Origin <input type="checkbox"/> Yes <input type="checkbox"/> No	12. Race	13. Education
	14. ID Type:	15. ID #	16. EXP.:
	We understand that Rhode Island law provides a penalty of \$1,000 or a one (1) year imprisonment, or both, for furnishing false information to the Center for Vital Records. Being aware of this penalty, we hereby declare the following to be true and correct:		

# RHODE ISLAND UNIFORM PARENTAGE ACT

**This affidavit will authorize the entry of the parent's name on the child's birth certificate.**

- ☐ We agree that we are both the parents of the child who is named in the above Certification. Accordingly, as the parents, we request that our names appear on the birth certificate as the parents of said child and have furnished the identification information listed herein.
- ☐ We have read or have had read to us the **Notice Regarding the Legal Rights and Responsibilities** resulting from signing the **Voluntary Acknowledgment of Parentage** provided to you in a separate document. We declare the above to be true and correct.

WITNESS	<input type="checkbox"/> parents, we request that our names appear on the birth certificate as the parents of said child and have furnished the identification information listed herein.	
	<input type="checkbox"/> We have read or have had read to us the <b>Notice Regarding the Legal Rights and Responsibilities</b> resulting from signing the <b>Voluntary Acknowledgment of Parentage</b> provided to you in a separate document. We declare the above to be true and correct.	
	(Signature of Parent 1)	(Date)
	(Signature of Parent 2)	(Date)
It is my understanding that the individuals who signed this document are either the individual who gave birth to the child, or the individual that is seeking to establish a parent child relationship.		
Printed Witness Name		
Witness Signature		
Date		



# VAP: Significance

## RHODE ISLAND UNIFORM PARENTAGE ACT

### Presumption vs Adjudication

- Parents whether same gender or not, married or not, may request a VAP.
- **VAP is equivalent to an adjudication - so parents may request a certified copy of the VAP in addition to requesting the birth certificate.**
- If the parties have a Superior Court or Family Court birth order, there is no need to complete the VAP.

# ACKNOWLEDGMENT SHALL BE VALID/VOID

# RHODE ISLAND UNIFORM PARENTAGE ACT

- **VALID**- An acknowledgment is equivalent to an adjudication. It confers all the Rights and Responsibilities of a parent. Judicial or administrative ratification is not permitted or required.
- **EFFECTIVE DATE**- Acknowledgment takes effect on the date of filing the documents or the birth of the child whichever is later.
- **VOID**- (Per § 302) at the time of signing the VAP;
  - There is a presumed parent (No denial filed) or
  - There is an adjudicated or intended parent;
  - The Acknowledgment is void;
  - That is why there is an affirmative statement on the VAP
  - *“Notice of Rights and Responsibilities”.*



# NOTICE OF RIGHTS AND RESPONSIBILITIES

## RHODE ISLAND UNIFORM PARENTAGE ACT

PER § 310(b):

- Notice of alternatives to, and legal consequences of signing
- States that the person can only sign if they affirmatively state there is no presumed parent or if there is a presumed parent, must provide the full name of that parent or a DENIAL form from that parent.
- States that there is **no acknowledged, adjudicated or intended parent**.
- States that the parties understand the Acknowledgment is equivalent to an adjudication.
- Rescission process is explained.



# NOTICE OF RIGHTS AND RESPONSIBILITIES



## NOTICE REGARDING LEGAL RIGHTS AND RESPONSIBILITIES RESULTING FROM ACKNOWLEDGING PARENTAGE OF A CHILD.

Before signing a **Voluntary Acknowledgment of Parentage**, please read the following information carefully.

By signing the form, you are stating that you understand the information and agree to what is stated:

- 1) The **Voluntary Acknowledgment of Parentage** establishes the child's parentage, and you will therefore waive your right to have a court proceeding, and to have DNA testing. Once parentage is established, both parents have a legal obligation to provide financial support for the child.
- 2) You have the right to consult with an attorney before signing the **Voluntary Acknowledgment of Parentage**. By voluntarily signing, without coercion, you accept with full knowledge the rights and responsibilities of legal parentage.
- 3) You acknowledge that both parents and the child will have certain rights and obligations with respect to one another: including but not limited to the following: the child will have the right to inherit from you, the child will be entitled to receive Social Security benefits as your child, you will have the right to ask the court to give you visitation rights or custody of the child; you will be entitled to receive notice before any foster care, guardianship or custody proceedings can occur.
- 4) You understand that the child may be given any last name you select. On the **Voluntary Acknowledgment of Parentage**, please indicate the child's full name, first, middle and last, as you would like it to appear on the birth certificate.
- 5) You are stating that there is no other acknowledged, presumed, intended or adjudicated parent for this child, and that if there is a presumed parent, that person has signed a denial in accordance with RI law, which is filed with the Rhode Island Department of Health, Center for Vital Records along with this **Voluntary Acknowledgment of Parentage**.
- 6) By signing you understand that the acknowledgment is the equivalent of a court adjudication of parentage and that to rescind the acknowledgment you must follow RI law. According to RI law, a parent may rescind an acknowledgment of parentage by commencing a court proceeding **before the earlier of:** 1.) 60 days after the effective date of the acknowledgment, or 2.) the date of the first hearing before a court to adjudicate an issue relating to the child, including a proceeding that establishes child support. After the sixty (60) day period, the parent may commence a proceeding to challenge the acknowledgment only on the basis of fraud, duress, coercion, threat of harm, or material mistake of fact and only within 2 years after the acknowledgment is effective.



# DENIAL FORM - NEW

PER § 303:

## RHODE ISLAND UNIFORM PARENTAGE ACT

### WHO MAY COMPLETE A DENIAL FORM?:

- A presumed or an alleged genetic parent if they have not previously acknowledged or been adjudicated.

### **When is it Valid?**

- When it is accompanied by a “Voluntary Acknowledgement of Parentage” form. Someone must be listed as the parent. Effective upon filing. No notary required.

### **When Must it be Filed?**

- Can be completed before or after the birth.
- Mail completed forms to CVR w/VAP

### **Available to parent?**

- Must be available to parents at the hospital or at the RI Center for Vital Records

# DENIAL OF PARENTAGE



Rhode Island Department of Health  
Center for Vital Records  
3 Capitol Hill, Room 101  
Providence, Rhode Island, 02908  
Phone: 401-222-2813

### Denial of Parentage

Please type or print clearly

CHILD	1. Child's Name (First, Middle, Last, Suffix)		2. Date of Birth (mm/dd/yyyy)	
	3. City or Town, County and State of Birth			
	4. Parent's Current Legal Name (First, Middle, Last, Suffix)			
BIRTH PARENT	5. Social Security Number		6. Date of Birth (mm/dd/yyyy)	
	7. Birthplace (State, Territory or Foreign Country)		8. Mailing Address (Street and Number, City/Town, State, Zip Code)	
	Complete and file this form with the Rhode Island Department of Health, Center for Vital Records. Office with a Voluntary Acknowledgment of Parentage (VAP) form to be discharged of all the rights and duties of the parent for the child listed above. The registration of this form will remove and replace the presumed parent or alleged genetic parent listed below with the parent listed on a valid VAP.			
PRESUMED PARENT OR ALLEGED GENETIC PARENT	9. Parent's Current Legal Name (First, Middle, Last, Suffix)		10. Social Security Number	
	11. Date of Birth (mm/dd/yyyy)		12. Birthplace (State, Territory or Foreign Country)	
	13. Mailing Address (Street and Number, City/Town, State, Zip Code)			
	<b>STATEMENTS OF DENIAL</b>			
	Initials Presumed or alleged genetic parent must initial each of the statements below in order for the Denial of Parentage to be valid.			
	I have read and understand the instructions provided and the legal consequences of and the rights and responsibilities that arise from signing the denial.			
	I understand I have the right to talk with an attorney before signing.			
	I understand that this denial, in conjunction with a valid Voluntary Acknowledgment of Parentage, is the equivalent to an adjudication of the non-parentage of the presumed parent or alleged genetic parent and discharged the presumed or alleged genetic parent from all rights and duties of a parent.			
	I state that I have not acknowledged or been adjudicated as the parent of the above-named child.			
	I understand that I may rescind this denial by commencing a court proceeding before the earlier of 1). 60 days after the effective date of the acknowledgment; or 2) the date of the first hearing before a court to adjudicate an issue relating to the child, including a proceeding that establishes child support.			
	I understand that after 60 days of filing the acknowledgment and a Denial of Parentage, I may commence a court proceeding to challenge the acknowledgment only on the basis of fraud, duress, coercion, threat of harm, or material mistake of fact and only within 2 years after the acknowledgment is effective.			
	I, _____, certify that I am the person whose name appears in the section titled "Presumed or Alleged Genetic Parent" on this form. The signature appearing in the field below should serve as acknowledgment I have read and understand the statements in this Denial of Parentage (DOP) form. I hereby declare the above statement of information to be true and correct to the best of my knowledge and belief. I am signing this DOP without being subject to force, threats or coercion of any kind.			
	Signature of Presumed or Alleged Genetic Parent		Date Signed (mm/dd/yyyy)	
WITNESS	Witness		Date Signed (mm/dd/yyyy)	

VS-DP1  
01/21

Vital Records Office Use Only  
Date Received: \_\_\_\_\_



## Denial of Parentage Notes and Instructions

The presumed or alleged genetic parent should carefully read all notes and instructions before completing and signing the Denial of Parentage (DOP).

A Denial of Parentage form is a legal form signed by a presumed or alleged genetic parent to state that the individual is releasing any parental claim of this child. If a married or formerly married parent claims that their spouse or ex-spouse (presumed parent or alleged genetic parent) is not the parent of the child and the parent of the child would like to acknowledge parentage the spouse may complete a Denial of Parentage form in the presence of a witness.

To be valid, both of the child's parents must also sign a Voluntary Acknowledgment of Parentage (VAP) form. The VAP and DOP may be filed separately or simultaneously, but neither is valid unless both are filed with the Rhode Island Department of Health Center of Vital Records Office. This DOP shall be signed by the presumed or alleged genetic parent who is seeking to relinquish parentage in the presence of a witness.

### 1. Parent Who Is or Was Formerly Married

When a parent is or was married within 300 days of the birth of the child, the name of the spouse shall be entered on the Certificate of Live Birth, including situations when:

- The spouse may not be the alleged genetic parent.
- The parent was legally married, and the child is born within 300 days after the termination of the marriage (*unless the final divorce decree specifies that the spouse is not the natural parent*).

### 2. If DOP is completed at hospital:

If a DOP has been completed and given to the hospital before the Certificate of Live Birth is submitted to the Rhode Island Department of Health, Center for Vital Records. Office, the parent will NOT be listed as the parent on the birth certificate.

### 3. If DOP is not completed at hospital:

If this DOP has not been completed before the hospital submits the Certificate of Live Birth to the Center for Vital Records, the spouse or ex-spouse (presumed parent) will be listed as the parent on the birth certificate.

### 4. Legal Citations: R.I.G.L. § 15-8.1-804 UNIFORM PARENTAGE

**"ACKNOWLEDGED PARENT"** means an individual who has established a parent-child relationship pursuant to Article 3 of the Uniform Parentage Act by filing the Voluntary Acknowledgment of Parentage with the Rhode Island Department of Health, Center for Vital Records.

**"ADJUDICATED PARENT"** means an individual who has been adjudicated by a court of competent jurisdiction to be the parent of the child.

**"ALLEGED GENETIC PARENT"** means an individual who is alleged to be or alleges that the individual is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother.

The term does not include:

- i. a presumed parent,
- ii. a person whose parental rights have been terminated or declared not to exist or
- iii. a donor.

**"INTENDED PARENT"** means an individual, whether married or unmarried, who manifests the intent to be legally bound as a parent of a child conceived through assisted reproduction or a gestational carrier agreement.

**"PRESUMED PARENT"** A person is presumed to be the parent of a child if:

- The individual and the individual giving birth to the child are married to each other and the child is born during the marriage;
- The individual and the individual who gave birth to the child were married to each other and the child is born not later than 300 days after the marriage is terminated by death, annulment, declaration of invalidity, divorce or dissolution;
- The individual and the individual who gave birth to the child married each other after the birth of the child and the individual at any time asserted parentage of the child and the individual agreed to be and is named as a parent of the child on the birth certificate of the child, or
- The individual resided in the same household with the child, and the individual and another parent of the child openly held out the child as that person's own from the time the child was born or adopted and for a period of two years thereafter, including periods of temporary absence, and assumed personal, financial, or custodial responsibilities for the child.

**"NOTICE OF PROCEEDING"** Notice of Complaints for Orders of Parentage under § 15-8.1-804 shall be as required for:

- The individual who gave birth to the child unless a court has adjudicated that the individual is not a parent;
- An individual who is a parent of the child under RIGL § 15-8.1-804;
- A presumed, acknowledged, or adjudicated parent of the child;
- A person whose parentage of the child is to be adjudicated; and
- The Office of Child Support Services, in cases in which either party is a recipient of public assistance benefits from the Department of Human Services and has assigned the right to Child Support, or in cases in which either party has requested the services of the Office of Child

### 5. Instructions for the Completion of the Denial of Parentage (DOP):

- The presumed or alleged genetic parent must read and initial all the statements included on the DOP.
- The presumed or alleged genetic parent must sign the DOP in the presence of a witness and the witness must sign the DOP.
- The presumed or alleged genetic parent may present the completed DOP to the hospital prior to the submission of the Certificate of Live Birth or directly to the Rhode Island Department of Health, Center for Vital Records, at the mailing address provided below:

RHODE ISLAND DEPARTMENT OF HEALTH  
CENTER FOR VITAL RECORDS  
3 CAPITOL HILL  
ROOM 101  
PROVIDENCE, RHODE ISLAND 02908  
PHONE: 401-222-2813  
WEBSITE: [WWW.HEALTH.RI.GOV/RECORDS](http://WWW.HEALTH.RI.GOV/RECORDS)

- If you need help understanding your rights and responsibilities as parents and the alternatives to, and consequences of, signing this form, call the Rhode Island Office of Child Support Services: 1-401-458-4425, or view additional information on the OCSS website [www.cse.ri.gov](http://WWW.CSE.RI.GOV).



# TIMING OF RESCISSION

Per: § 307:

## RHODE ISLAND UNIFORM PARENTAGE ACT

The rescission process is a judicial process. This cannot be done at CVR. A pleading must initiate the process. Example: Petition or Motion to Rescind.

### Must be Done the Earlier of:

- 60 days after the effective date of the Acknowledgement OR
- The court date of the first hearing before a court in a proceeding related to the child

**Effect of Rescission-** Denial of Parentage also becomes invalid. The parties must be notified of the rescission via Court Order.

(But failure to notify does not affect the validity.)



# CHALLENGE

Per: § 308:

## RHODE ISLAND UNIFORM PARENTAGE ACT

### CHALLENGE AFTER EXPIRATION OF RECISSION PERIOD:

- The person who signed an acknowledgment may file a proceeding in Family Court only if:

*It is within 2 years after acknowledgment, and it is based upon fraud, duress, coercion, threat of harm or material mistake of fact.*

Exception: If misrepresentation or concealment within 2 years after discovery of individuals potential parentage.





# INFORMATIONAL GUIDE

## ESTABLISHING PARENTAGE

VOLUNTARY  
ACKNOWLEDGMENT  
OF PARENTAGE



STATE OF RHODE ISLAND  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILD SUPPORT SERVICES

## ESTABLISHING PARENTAGE

The Rhode Island Parentage Act was recently passed in RI with an effective date of January 1, 2021.

The passage of the Act has brought about many significant changes in the parentage process, most notably the Voluntary Acknowledgment of Parentage (VAP) process.

This simple informational pamphlet is provided by the RI Office of Child Support Services to provide answers to common questions about establishing parentage for your child.

The method you use will depend on the circumstances of your child's conception or birth.

Please continue reading to learn more about establishing parentage for your child and the VAP process.

### Through Voluntary Acknowledgment

If you are unmarried parents - same gender or not - when your child is born, and you want both your names to be listed as the child's parents:

- Complete the Voluntary Acknowledgment of Parentage (VAP) form with hospital staff.
- Sign it in front of a witness who is at least 18 years old. Usually this will be completed in the presence of the hospital staff.
- Hospital Staff will file it with the Center for Vital Records.

#### If you complete it at birth:

Hospital staff will add both names to your child's birth certificate and send your VAP to the Center for Vital Records.

#### If you wish to complete it later:

You can make an appointment with the Center for Vital records to complete a VAP. In this case, CVR staff will witness the signatures. Both parents' names will be listed on the child's birth certificate. Please note: If the VAP is completed after the birth, you will not be able to change the child's name without a court order.

#### What makes a VAP valid?

- It's signed and dated by both parents who are eligible to sign. **AND**
- It's signed/dated by a witness who is at least 18.
- It's filed with the Center for Vital Records, at:  
Rhode Island Department of Health  
Center for Vital Records  
3 Capitol Hill, Room 101  
Providence, Rhode Island, 02908  
Phone: 401-222-2813

### ESTABLISHING PARENTAGE: Through Marriage / Civil Union

If you are married when your child is born, or your child was born within 300 days of the termination of your marriage:

- You do not need to do anything to establish parentage.
- The law presumes both spouses are the parents (presumed parents).
- The hospital staff will add both parents' names to the birth certificate and send it to the Center for Vital Records (CVR).

If you want to ensure you have a document that is equivalent to a court decree of parentage, you can also sign a VAP form.

### Through Assisted Reproduction

If your child will be conceived with the help of assisted reproduction:

- You may complete & file the Voluntary Acknowledgment of Parentage (VAP) form. **OR**
- You may seek an adjudication of parentage in the Rhode Island Family Court.

### Through Surrogacy

If your child will be born through a gestational carrier (surrogate):

- Hire an attorney to execute a "Gestational Carrier Agreement" before the child is conceived and to ensure that you comply with the law. This will establish you as the intended parents.
- With the help of an attorney, seek an order of parentage from the Rhode Island Family Court (*either before or after the child is born*) or Superior Court (*before the child is born*).

You cannot sign a VAP in this scenario.



# GET HELP

Rhode Island's parentage law can be straightforward or complicated, depending on the circumstances.

Contact the Office of Child Support Services if you need help establishing parentage for the purpose of child support.

(401) 458 – 4400

[www.cse.ri.gov](http://www.cse.ri.gov)



## VAP: QUICK FACTS

### What is a Voluntary Acknowledgment of Parentage (VAP)?

When two unmarried parents - same gender or not - wish to acknowledge a child and be listed as the legal parents of a child and take full responsibility for that child, they would sign a VAP.

### What paperwork would be completed?

At the hospital, the parents would first read the "Notice Regarding Legal Rights and Responsibilities Resulting from Acknowledging Parentage of a Child" and then complete a VAP acknowledging they have read the notice.

### What does the hospital do with the VAP?

The hospital staff will electronically send the VAP to the Center for Vital Records. You can then obtain a certified copy of the VAP and a birth certificate for your child.

### Could our VAP be rejected?

Yes, it could be if someone else:

- Was found by a court to be the child's parent
- Has a valid VAP on file, OR
- Is presumed to be a parent under the law -unless they file a Denial of Parentage (DOP) at the same time you file your VAP
- If there exists an "intended" parent under the law

### What if the birth parent was married to someone else?

If the birth parent was married/civilly joined to someone else and the child was born during the marriage or not later than 300 days after the marriage was terminated, then the spouse/former spouse is a presumed parent and must file a Denial at the same time you file your VAP.

### Is a VAP legally binding?

Yes. A validly signed VAP is equal to a court determination of parentage. A challenge is only allowed in limited circumstances.

- You have the right to talk to a lawyer before you sign, and you also have the right to have genetic testing done if genetic testing is appropriate.
- Once you file your VAP and it is accepted, you will be legally responsible for financially supporting the child.

### Can I rescind a VAP/DOP?

Yes, you can rescind or take it back by:

- Filing a Rescission Petition with the Rhode Island Family Court — within 60 days of the effective date Or
- Participating in a court hearing involving the child, whichever is earlier.

# ARTICLE 4 –

## RHODE ISLAND UNIFORM PARENTAGE ACT

### Presumptions of Parentage

Section 401:

- (a)(1) Marital presumption
- (a)(2) Within 300 days of the termination of the marriage
- (a)(3) After marriage: parties add names to BC (*anomaly*)
- (a)(4) Holding out as parent creates a presumption (*2 yrs. after birth*)
- If there is a competing claim to parentage, the court must adjudicate parentage based on the best interest of the child based on enumerated factors.





# "Holding Out" Presumption

## RHODE ISLAND UNIFORM PARENTAGE ACT

Per: § 401(a)(4):

- If the individual lived in the household with the child and openly held out that child as his/her own child, from the time the child was born and for a period of two years thereafter, and assumed personal, financial and custodial responsibilities that individual is a presumed parent.
- A presumed parent can become a legal parent by the execution of the voluntary acknowledgment of parentage, or by an adjudication of parentage.





# Competing Presumptions

## RHODE ISLAND UNIFORM PARENTAGE ACT

### Factors Per: § 206:

- (1) the age of the child;
- (2) the length of time during which each individual assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each individual;
- (4) the harm to the child if the relationship between the child and each individual is not recognized;
- (5) the basis for each individual's claim to parentage of the child;
- (6) other considerations arising from the disruption of the relationship between the child and each individual or the likelihood of other harm to the child; and
- (7) Other equitable factors that the court deems relevant to the child's best interests.

# ARTICLE 5 – DE FACTO PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

- Only the person asserting that they are the de facto parent can file.
- The individual who wishes to be adjudicated the de facto parent must file a complaint - before the child is 18-
- The individual is not the alleged genetic parent or presumed parent but has been for all intents and purposes acting like the parent of a child for a significant period after the birth of the child.
- The individual wishes to accept legal responsibility for the child and wants the Court to adjudicate him/her the parent.





# ARTICLE 5 — (slide 1)

## DE FACTO PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

Must meet all the factors set forth in the law by clear and convincing evidence.

- (1) the individual resided with the child as a regular member of the child's household for a significant period;
- (2) the individual engaged in consistent caretaking of the child;
- (3) the individual undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;
- (4) the individual held out the child as the individual's child;





# ARTICLE 5 – *(slide 2)*

## DE FACTO PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

- (5) the individual established a bonded and dependent relationship with the child which is parental in nature;
- **(6) another parent of the child fostered or supported the bonded and dependent relationship required under this section; and**
- (7) continuing the relationship between the individual and the child is in the best interest of the child.”
- NOTE- The adjudication of a de facto parent does not disestablish the parentage of any other parent leaving the door open to a child having more than two parents.



# ARTICLE 6- GENETIC PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

This article addresses Genetic Parentage- OCSS typical scenario where a CP files a Complaint for Parentage and Support. OCSS administratively orders DNA Testing. He is excluded or 99% test results.

Section 601 – Provides that genetic testing results may not be used to challenge the parentage of a child pursuant to Article 7 (Assisted Reproduction) or 8 (Gestational Carrier).

Section 603- Allows OCSS to file a paternity complaint without the CP and submit an affidavit. But no default may be issued in that scenario.



# ARTICLE 6- GENETIC PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

- Cost of Genetic Test- (§ 609) - Same rule - OCSS pays and seeks reimbursement if parent is found to be genetic parent. If presumed, acknowledged or parent who has admitted wishes to have a test or parent request an additional test he must seek court order and pay in advance.
- Court may order testing of a deceased individual (§ 610)
- Genetic tests are confidential- (§ 611) - An individual who violates this section shall be imprisoned not more than 1 year or fined not more than 1,000 or both.





# ARTICLE 6- GENETIC PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

- OCSS may still order DNA testing administratively only if there is no presumed, acknowledged or adjudicated parent. (§ 603)
- If such parent exists, the Court will decide in response to a motion applying 9 factors set forth in § 603(H). This is no longer automatic.



# ARTICLE 6- GENETIC PARENTAGE

## RHODE ISLAND UNIFORM PARENTAGE ACT

- In a proceeding involving an acknowledged, adjudicated or presumed parent on the issue of whether to allow genetic testing or admit test results as evidence, the court may consider whether the conduct of the party estops that party from denying paternity and of course must consider the best interest of the child focusing on the relationship between the child and that person .
- New rules about presenting test results- Results must be provided 15 days in advance of the hearing with notice of intent to present results at hearing and notice of the requirement to object. Written objection must be filed 7 days in advance of hearing or deemed admitted. Results are admitted for parentage only.



# ARTICLE 6 GENETIC PARENTAGE

# RHODE ISLAND UNIFORM PARENTAGE ACT

- If the birth parent is unavailable- genetic testing may still take place with alleged genetic parent and child (per § 603).
- No in utero testing permitted (per § 603).
- (Per § 608) - If a parent declines to submit to genetic testing, the court may adjudicate the alleged genetic parent as the parent even if that person denies a genetic relationship
- Admission and Default provision still intact under § 608. Past liabilities intact (per § 613).
- (Per § 612) precludes establishment or parentage by perpetrator of sexual assault. *(Rights terminated responsibilities not necessarily)*



# ARTICLE 7

Parentage by Assisted Reproduction

**RHODE ISLAND**  
**UNIFORM PARENTAGE ACT**

- Section 703 - Recognizes parentage of individual who consents to assisted reproduction with intent to be parent.

An individual who consents . . . to assisted reproduction by another individual with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

- Parents should complete a VAP per Article 3 or commence a proceeding in the Family Court before or after the birth of the child to obtain a parentage order.

# ARTICLE 8

## RHODE ISLAND UNIFORM PARENTAGE ACT

### PARENTAGE BY GESTATIONAL CARRIER- **NEW**

- **For the first time in RI we have a surrogacy law.**
- The specific agreement requirements are set forth in Article 8
- Parties must be represented by counsel.
- Parties commence a legal proceeding and obtain a court order.
- The Family Court or Superior Court order is presented at the hospital and the parents names are added to the birth certificate.
- Parents would not execute a VAP.





# ARTICLE 8

## RHODE ISLAND UNIFORM PARENTAGE ACT

### BIRTH ORDER (§ 804)

- Before birth- Either the Superior Court or Family Court may issue an order declaring parentage.
- After birth- The Family Court has exclusive jurisdiction.
- Parties would file a Complaint for Parentage.
- Court would Order CVR to designate the parents of the child





# ARTICLE 9 –

## Donor Information

# RHODE ISLAND

## UNIFORM PARENTAGE ACT

- **Section 903 – Collection of Identifying Information**

- All gamete banks or fertility clinics must collect and record the donor's full name, date of birth, permanent address, and medical history

- **Section 904 – Declarations**

- Donors must provide an identification disclosure declaration to the clinic which states that either the clinic may provide any child born with the assistance of the donor's gamete (and who is 18) with the donor's identity, or that they do not consent to their identity being released

- **Section 905 – Disclosure of Information**

- A child born through assisted reproduction or their parent/guardian may request the identity of the donor, and the clinic must make a good faith effort to provide such information
- Whether or not the clinic can provide the donor's identity, clinic must make effort to provide non-identifying medical history

**RHODE ISLAND**  
**UNIFORM PARENTAGE ACT**

# QUESTIONS?





# WIC-SNAP Project

---

Children's Cabinet

RHODE  
ISLAND



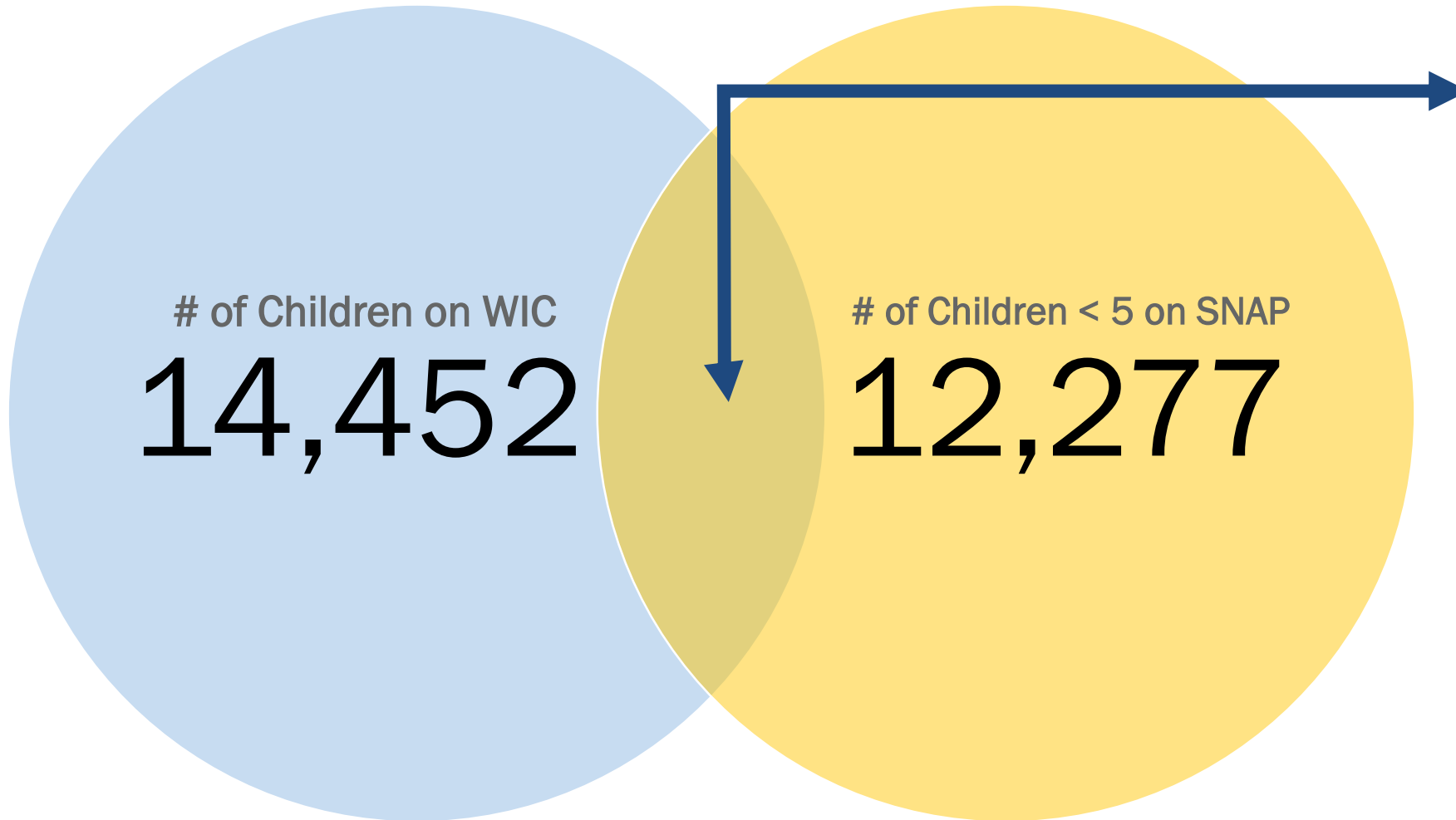
# Food insecurity for young children– already a problem in RI – has been exacerbated by the pandemic.

**Nutrition and food access matter to growing brains:** *Pediatrics* noted that “infancy, toddlerhood, and early preschool (0–4 years) represent a period of rapid growth and brain development. Variability in children’s early nutritional status can have lifelong consequences extending into the subsequent generation.”

## **Rhode Island children are facing food insecurity:**

- Between Sept. 16–Oct. 12, 2020, 18% of adults with children in their household reported that they “sometimes or often do not have enough food to eat.” This represented one of the highest rates among states.
- In addition, the recent RI Food Bank’s *2020 Status Report on Hunger in Rhode Island* found that 1 in 4 Rhode Island households lack adequate food. However, the problem of food insecurity for kids existed before the pandemic; in 2017, Rhode Island had an overall food insecurity rate of 11.4%.
- Families of color disproportionately experience food insecurity, and are more likely than white families to live in food deserts.

**WIC and SNAP are two core food access programs for children and families. However, there are thousands of children who should be benefitting from both programs, but are currently only on one program.**



- Only **4930 children** who are participating in WIC are also receiving SNAP
- There is a significant opportunity to increase cross-enrollment and better support nutritional needs for families

**To address this need, we are kicking off a project to pilot interventions to increase cross-enrollment with the help of the Hassenfeld Child Health Innovation Institute & funding from the Preschool Development Grant B-5.**

---

## **Project Plan**

1. Conduct an initial review of data to understand who is cross-enrolled in WIC and SNAP and where there are gaps
2. With the community and stakeholders, develop a set of potential interventions to increase cross-enrollment.
3. Pilot the interventions with evaluation support from Hassenfeld to determine which interventions are most effective at increasing cross-enrollment.
4. Share findings and seek opportunities to expand interventions that are proven to be effective.



# Public Comment

